



10-10-00

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17133/02/US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

LASSNER, ET AL.

SERIAL NUMBER: 09/549,848

FILED: APRIL 14, 2000

TITLE: NUCLEIC ACID SEQUENCES TO  
PROTEINS INVOLVED IN  
TOCOPHEROL SYNTHESSES

GROUP ART UNIT: NOT ASSIGNED

EXAMINER: NOT ASSIGNED

DATE: OCTOBER 5, 2000

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

Applicants received a Notice To File Missing Parts dated June 12, 2000 (copy attached), indicating that the filing fee was missing, the oath or declaration was missing and the sequence listing was missing. Applicants attach hereto an Oath, formatted Sequence Listing and a copy of the Sequence Listing on computer readable form.


The Sequence Listing in Written Form, already furnished to this Authority, does not go beyond the disclosure in the international application as filed. No new matter have been added.

<input checked="" type="checkbox"/>	Oath
<input checked="" type="checkbox"/>	Sequence listing
<input checked="" type="checkbox"/>	Computer readable diskette
<input checked="" type="checkbox"/>	Fee Authorization

Applicants conditionally petition for an Extension of Time to provide for the timely filing of the enclosed corrected sheets, if an extension of time is required after all papers filed with this transmittal have been considered.

The Commissioner is hereby authorized to charge any fees related to the filing of these documents to Charge No. 13-4125.

Respectfully submitted,

  
Brian K. Stierwalt  
Patent Attorney  
Registration No. 33,213  
314-694-9092 St. Louis

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks; Washington, D.C. 20231

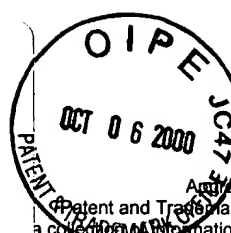
Express Mail No.: EL69884882945  
Name: Nicole M. Prendace  
Date: 10/6/00

I hereby certify that this correspondence is being deposited with United States Postal Service as first class in an envelope addressed to: Commissioner of Patents and Trademarks; Washington, D.C. 20231

Express Mail No.: EL69884882945

Name: Michelle M. Aremstad

Date: 10/6/00



Approved for use through 09/30/98. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10/96)

## FEE TRANSMITTAL

### Complete if Known

Application Number	09/549,848
Filing Date	April 14, 2000
First Named Inventor	Michael Lassner
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	17133/02/US

TOTAL AMOUNT OF PAYMENT (\$)1314.00

### METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 13-4125

Deposit Account Name Monsanto Company

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.31(b)

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

### FEE CALCULATION (fees effective 10/01/00)

#### 1. FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	<u>710.00</u>
106	320	206	160	Design filing fee	_____
107	490	207	245	Plant filing fee	_____
108	710	208	355	Reissue filing fee	_____
114	150	214	75	Provisional filing fee	_____
SUBTOTAL (1)					(\$) <u>710.00</u>

#### 2. CLAIMS

		Extra		Fee from below		Fee Paid
Total Claims	-20 =		X		=	
Independent Claims	-3 =	<u>2</u>	X	<u>80.00</u>	=	<u>160.00</u>

Multiple Dependent Claims = 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	_____
102	80	202	40	Independent claims in excess of 3	_____
104	270	204	135	Multiple dependent claim	_____
109	80	209	40	Reissue independent claims over original patent	_____
110	18	210	9	Reissue claims in excess of 20 and over original patent	_____
SUBTOTAL (2)					(\$) <u>394.00</u>

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	<u>130.00</u>
127	50	227	25	Surcharge - late provisional filing or cover sheet.	_____
139	130	139	130	Non-English specification	_____
147	2,520	147	2,520	For filing a request for reexamination	_____
112	920	112	920	Requesting publication of SIR prior to Examiner action	_____
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	_____
115	110	215	55	Extension for response within first month	<u>110.00</u>
116	390	216	195	Extension for response within second month	_____
117	890	217	445	Extension for response within third month	_____
118	1,390	218	695	Extension for response within fourth month	_____
119	310	219	155	Notice of Appeal	_____
120	310	220	155	Filing a brief in support of an appeal	_____
121	270	221	135	Request for oral hearing	_____
138	1,510	138	1,510	Petition to institute a public use proceeding	_____
140	110	240	55	Petition to revive unavoidably abandoned application	_____
141	1,240	241	620	Petition to revive unintentionally abandoned application	_____
142	1,240	242	620	Utility issue fee (or reissue)	_____
143	440	243	230	Design issue fee	_____
144	600	244	300	Plant issue fee	_____
122	130	122	130	Petitions to the Commissioner	_____
123	50	123	50	Petitions related to provisional applications	_____
126	240	126	240	Submission of Information Disclosure Stmt	_____
581	40	581	40	Recording each patent assignment per property (times number of properties)	_____
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	_____
149	710	249	353	For each additional invention to be examined (37 CFR 1.129(b))	_____

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

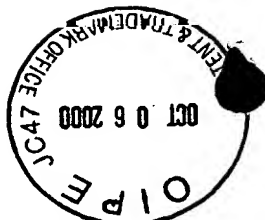
SUBTOTAL (3) (\$)240.00

\* Reduced by Basic Filing Fee Paid

### SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	Brian K. Stierwalt	Reg. Number	33,213
Signature		Date	September 6, 2000
		Deposit Acct. User ID	13-4125



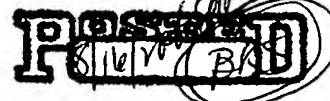
## FORMALITIES LETTER



\*OC000000005236490\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/549,848	04/14/2000	Michael Lassner	17133/02/US

Calgene LLC  
1920 Fifth Street  
Davis, CA 95616

Date Mailed: 07/12/2000

9/12/00

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$390.  
  - \$234 for 13 total claims over 20.
  - \$156 for 2 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
  - The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
  - For Technical Assistance, call (703) 287-0200
  - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 1210.

A copy of this notice MUST be returned with the reply.

10/13/2000 CV0111 00100055 134125 09549848  
 01 FC:101 710.00 CH  
 02 FC:102 160.00 CH  
 03 FC:103 234.00 CH  
 04 FC:105 130.00 CH  
 05 FC:115 110.00 CH

7/12/00 9:30 AM



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY